

**IN THE HIGH COURT OF JUDICATURE AT BOMBAY
BENCH AT AURANGABAD**

**REVIEW PETITION NO. 16/2015
IN
WRIT PETITION NO.1183/2013**

Rubab Sujat Tadv
and another

.. PETITIONERS

VERSUS

The State of Maharashtra
and others

.. RESPONDENTS

...
Mr. B.S.Deshmukh, Advocate for Review Petitioners
Mr. S.D.Kaldate, AGP for Respondent – State
Mr. A.B.Gaikwad, Advocate for Respondent No.7
...

**CORAM : S.S. SHINDE &
A.M.BADAR, JJ.
DATE: 10th February, 2015**

PER COURT:-

1] Heard. This Review Petition seeks review of order dated 20th December, 2014 passed by the Division Bench of this Court in Writ Petition No.1183/2013.

2] The learned counsel appearing for the Review Petitioners submits that, the land was allotted by the Gampanchayat by way of passing a Resolution. The Petitioners are regularly paying taxes of which the Petitioners possessed receipts. It is further submitted that, when the Petition was heard, though the prayer was made

on behalf of the Respondent Nos. 6 and 8 for adjournment to enable them to file reply, however, said prayer was not entertained. In the circumstance, the learned counsel appearing for the Review Petitioners submit that, Review Petition deserves consideration.

3] The learned counsel appearing for the Original Petitioner submits that, the Review Petitioner i.e. Original Respondent Nos. 6 and 8 in the Writ Petition have no right to reside on Grampanchayat land, therefore, this Court may not entertain the Review Petition.

4] We have heard the learned counsel appearing for the Review Petitioners, learned counsel appearing for the Respondent No.7, and the learned AGP for the Respondent – State, with their able assistance, perused the grounds taken in the Review Petition, annexure thereto and order under review, and we are of the opinion that, there is no any error apparent on the face of record so as to review the order dated 20th December, 2014. When the learned counsel appearing for the Petitioners was confronted with the query that, whether the Review Petitioners are having any title, ownership or document, allotment letter in respect of land in question, the learned counsel appearing for the petitioners fairly concedes that, there are no documents placed on record to that effect. Even the allotment letter by the Grampanchayat is also not placed on record. In absence of document for title, ownership or allotment letter by the Grampanchayat, we are not able to accept the submission of the Review Petitioners.

5] This Court in the order under Review observed that, “we grant respondent nos. 6 & 8 time of six weeks to vacate. If they do not vacate within said time, it will be open to other respondents to proceed further with removal of encroachment in accordance with law from 1.2.2015 onwards”. Therefore, the order is clear and while removing encroachment authorities will have to proceed further with removal of encroachment in accordance with law. No case is made out. Review Petition stands rejected.

6] In view of disposal of Review Petition, Civil Application No. 977/2015 does not survive and same is disposed of.

Sd/-

[A.M.BADAR, J.]

Sd/-

[S.S. SHINDE, J.]

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